

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:23-cv-00098-FDW**

RODWYN ANTONIO TAYLOR,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
)	
JOHN DOE 2, et al.,)	
)	
Defendants.)	
)	

THIS MATTER is before the Court on the North Carolina Attorney General's Office's Response [Doc. 15] to the Court's Order requiring identification of the Doe Defendants [Doc. 14].

On May 5, 2023, Plaintiff's Complaint under 42 U.S.C. § 1983 survived initial review in accordance with the Court's Order. [Docs. 1, 10]. The Court ordered Plaintiff to provide the names of surviving Defendants John Doe 2 and John Doe 3 or any information helpful to the identification of these Defendants. [Doc. 10 at 6]. Plaintiff timely responded, advising the Court that he is unable to identify the John Doe Defendants and he was transferred to a different prison "immediately." [Doc. 13 at 3]. Plaintiff, however, provided additional information to assist in identifying the Doe Defendants, including that he did not believe that Defendants John Doe 2 and John Doe 3 were assigned to Plaintiff's unit on December 23, 2021, the day of the alleged use of force incident. The Court, therefore, ordered the North Carolina Attorney General's Office (NCAGO) to investigate the identities of the Doe Defendants using the information in Plaintiff's Response [Doc. 13] and Plaintiff's Complaint [Doc. 1] and any other tools or information at their disposal and to report back to the Court. The NCAGO responded, providing an instructive and helpful recitation of its efforts and the results of its investigation. The NCAGO's investigation

revealed the identity of four individuals who may be Defendants John Doe 2 and John Doe 3, but the NCAGO concluded that “it is not possible for the NCAGO or the North Carolina Department of Adult Correction to identify John Doe 2 or John Doe 3.” [Doc. 15 at 2]. To that point, however, the Court notes that the NCAGO did not report whether the four identified individuals, that is, James Ramsey, Travis Payne, Bobby Daniels, and Isaac Gear, were assigned to Plaintiff’s unit on December 23, 2021. With this information, it may be possible to determine whether any of these individuals is John Doe 2 or John Doe 3. The Court, therefore, will order the NCAGO to investigate whether James Ramsey, Travis Payne, Bobby Daniels, and Isaac Gear were assigned to Plaintiff’s unit at Mountain View Correctional Institution on December 23, 2021, at approximately 7:00 a.m. and report back to the Court with this information within ten (10) days of this Order.

IT IS, THEREFORE, ORDERED that the North Carolina Attorney General’s Office has 10 days from this Order to report back to the Court with the subject information in accordance with the terms of this Order.

IT IS SO ORDERED.

Signed: June 20, 2023



Frank D. Whitney
United States District Judge

